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CITY OF LODI  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, AUGUST 4, 1993  
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Mann, Sieglock, Snider, and  
Pennino (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn,  
Community Development Director Schroeder, Assistant City  
Engineer Prima, City Attorney McNatt, and City Clerk Perrin

2. INVOCATION

The invocation was given by Assistant City Manager Glenn.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS/PROCLAMATIONS/PRESENTATIONS

a) None.

5. INTRODUCTIONS

Mayor Pennino asked Pastor Norm Mowery, First United Methodist Church, to  
introduce the special guests he had in the audience. Pastor Mowery  
introduced the Mujkic family from Sarajevo, Bosnia who recently moved to  
Lodi. Mayor Pennino presented each with a City of Lodi pin and sticker.

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6. COMMENTS BY PUBLIC ON CONSENT CALENDAR ITEMS

a) Frank Alegre, 2000 Edgewood Drive, Lodi, asked questions regarding  
agenda item #E-9 entitled, "Salary schedules for Confidential  
employees".  
FILE NO. CC-34 AND CC-300

7. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council,  
on motion of Council Member Snider, Sieglock second, approved the  
following items hereinafter set forth except those otherwise noted.

a) Claims were approved in the amount of \$4,461,009.15.  
FILE NO. CC-21(a)

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Continued August 7, 1993

- b) The Minutes of June 16, 1993 (Regular Meeting), June 18, 1993 (Adjourned Regular Meeting), June 22, 1993 (Adjourned Regular Meeting), June 23, 1993, 7:00 A.M. (Adjourned Regular Meeting), June 23, 1993, 7:00 P.M. (Adjourned Regular Meeting) and June 24, 1993 (Adjourned Regular Meeting) were approved as written.
- c) Adopted Resolution No. 93-93 initiating the annexation/reorganization proceedings for the Helmler Reorganization located within the area bounded by the Woodbridge Irrigation Canal on the north and east, West Kettleman Lane (Highway 12) on the south, and Lower Sacramento Road on the west. (Council Member Snider abstained from discussion and voting on this matter.)  
FILE NO. CC-8(a) AND CC-300
- d) Agenda item #E-4 entitled, "Consider initiating the annexation/reorganization proceedings for the Richards Ranch Reorganization located at 13737 North Cherokee Lane, 2250 South Stockton Street and 13845 North Cherokee Lane" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- e) Agenda item #E-5 entitled, "Contract Award for Church Street Improvements, Kettleman Lane to Vine Street" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- f) Agenda item #E-6 entitled, "Acceptance of Improvements under Poplar Street Wastewater Pipe Improvements, Cherokee Lane to Central Avenue contract" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- g) Approved the final map for Century Meadows Three, Unit No. 2, Tract No. 2614, appropriated Development Impact Mitigation Fee funds to cover the oversize water mains, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.  
FILE NO. CC-46 AND CC-90
- h) Agenda item #E-8 entitled, "Participation in San Joaquin County Contracts for purchase of office supplies and computer paper" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Mann.)
- i) Agenda item #E-9 entitled, "Salary schedules for Confidential employees" was removed from the agenda and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)

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8. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Mayor Pennino congratulated and thanked everyone who participated in National Night Out that was held on August 3, 1993. Mr. Pennino had an opportunity to visit many of the neighborhoods.

1. Chief Hansen presented a report on the success of the event. There were 98 neighborhoods involved, which is double from last year, and the police officers were able to visit approximately 68 neighborhoods. A contest was also sponsored by the Correctional Peace Officers' Association, and Chief Hansen announced the winners:

Second Place Prize - \$50 (Three-way tie)

2000 Block of Corbin Lane  
Orange Grove Apartments, 310 South Orange Street  
400 Block of Mokelumne River Drive

Grand Prize

300 Block of Hilborn

Mayor Pennino thanked Jeanie Biskup and the Police Department staff for the success of the event.  
FILE NO. CC-152

- b) Council Member Snider expressed his disgust with the "hate crimes" that recently occurred in Lodi and hoped every effort was made to catch those involved.

1. Chief Hansen reported that this "hate crime" will be the "Crime of the Week" and may possibly carry a higher reward offer. Chief Hansen strongly urged that if anyone has any information regarding the matter to contact the Police Department. Callers can remain anonymous.  
FILE NO. CC-152

- c) Council Member Davenport commented on several matters: (1) urged that focus still be kept on the gang situation and encouraged people to apply to the Gang Alternative Project (there were two vacancies on the agenda); (2) commented on the good turnout of the National Night Out Program; (3) expressed his hope that the City does all it can to assist Mr. Choo and the Lodi Golf Driving Range to relocate his business; (4) informed the public that City staff is still working on alternatives in balancing the budget with the \$310,000 shortfall from the State; (5) upset that he was not informed by the City Manager or Police Chief about the arrest of a police officer for drunk driving; (6) stated he was not in favor of the City Clerk's raise and feels the personnel agreement says that the City 'may' give this raise. Mr. Davenport also feels that due to the budget, it is not the right time to give a raise; (7) requested information regarding the

Economic Development Coordinator's title, job specification, salary, benefits, etc.; (8) expressed his feelings that conferences need to be curtailed; and (9) requested the Police Chief to explain to the public what "Citizens Arrest" means.

1. Chief Hansen gave a brief report on the circumstances in which a citizen can place a person under "Citizens Arrest".

Further Council Member Davenport commented on the following matters: (1) The ad in the Lodi News Sentinel by the Committee to Recall Davenport which stated accusations and where to find the documentation for proof. Under the segment of the ad that alleges the costs of Mr. Davenport's lawsuits against the City, it refers to the City of Lodi Finance Department records. Mr. Davenport tried to look at those records, but were told that some were destroyed; (2) Alleged that the circulators of the petitions in the recall against Council Member Davenport were misleading citizens into signing the petitions at both Walmart and Smart Foods stores. In addition, the circulators are being paid to collect signatures as well as the person whose job it is to stand by the table and watch. Mr. Davenport urged citizens to call him with any questions or concerns; (3) Mr. Davenport commented that he still has not seen any information regarding the Fire Department reorganization; and (4) Mr. Davenport would still like to see a report regarding the grievances which he requested some time ago.

FILE NO. CC-2(q), CC-6, CC-7(p), CC-18, CC-21(b), CC-34 AND CC-90

- d) Council Member Mann encouraged the City Council to consider every effort to assist with the relocation of the Lodi Golf Driving Range. Mr. Mann also commented on the success of National Night Out and asked that the Police Chief return to the City Council with a report on how the City ranked among other cities in the area in regards to participation. Further Mr. Mann asked for an update regarding the train depot.

1. Assistant City Manager Glenn presented a brief report regarding the events of this matter to date. It was requested by the City Council that a draft resolution come back to the City Council officially stating its intention to relocate the train depot.

Further Council Member Mann commented on the issue of the City Clerk's salary increase and informed the public that Mrs. Perrin was started below the advertised salary range for one year and that it would be increased during that time to the initial step.

FILE NO. CC-6, CC-7(n), CC-7(p), CC-34 AND CC-90

- e) Council Member Sieglock agreed with the feelings expressed earlier that every effort should be made in the relocation of Mr. Choo and the Lodi Golf Driving Range and hoped that it can be taken care of quickly. Mr. Sieglock commented on the Stockton General Plan and suggested that both the Stockton City Council and the Stockton Planning Commission be invited to discuss this matter with the Lodi City Council and Planning Commission. Mr. Sieglock further suggested that some sort of an agreement be drafted between the City of Stockton and the City of Lodi ensuring that the buffer of agricultural land remain near Eight Mile Road and suggested that a

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Council Member or staff person be designated to monitor the process of the Stockton General Plan on a regular basis. Council Member Sieglock thanked the citizens of Lodi for not signing the recall petitions against himself and Council Members Pennino and Snider.  
FILE NO. CC-6, CC-7(p), CC-18, CC-35(a) AND CC-90

- f) City Manager Peterson presented an update regarding the relocation of the Golf Driving Range and informed the Council that this matter will come before the City Council at the next meeting. Further, the budget will come before the City Council at its first meeting in September. The Fire Department reorganization is also scheduled to come before the City Council in September.  
FILE NO. CC-7(p), CC-21(b) AND CC-90
- g) Council Member Snider also commented on the Stockton General Plan and was glad to see that the Stockton residents were now banning against the proposal.  
FILE NO. CC-35(a)
- h) Council Member Davenport again commented on the City Clerk's salary increase and encouraged the public to look at the contract on file. Mr. Davenport also disagreed with an earlier statement that the vote for Mrs. Perrin's salary increase was 5-0.  
FILE NO. CC-34
- i) Mayor Pennino apologized that he said "would" and not "may" in regards to the City Clerk's salary increase as stated in the contract; however, the vote by the City Council was 5-0. This matter will be scheduled on the next City Council agenda for Closed Session. Mayor Pennino also requested that the matter pertaining to the costs of legal fees for Council Member Davenport's lawsuit against the City be placed on the next agenda.  
FILE NO. CC-34 AND CC-200(d)

9. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Raena Wright, P.O. Box 2444, Lodi, invited the Lodi City Council and the public to attend the next meeting of the Lodi East Side Improvement Committee to be held on Thursday, August 12, 1993 at 6:30 p.m. at the Loel Center. The topic for the evening will be the "Ugly Ordinance".  
FILE NO. CC-2(s)
- b) Phil and Cheri Gaudet, 72 North Pacific, Lodi, informed the City Council of the problems they are having with Walgreens and that staff is currently assisting in solving these problems.  
FILE NO. CC-16
- c) Frank Alegre, 2000 Edgewood Drive, Lodi, expressed his opposition to the City Clerk's salary increase because the City is in a recession and no one should receive that type of an increase. Mr. Alegre also commented on the Economic Development Director and felt there was not a need for this position.

Council Member Pennino replied again that the City Clerk's salary started at 28% below the advertised salary schedule and it has saved the City money.

Council Member Mann further commented on the terms and conditions of the contract.

Mr. Alegre further commended the Chief of Police for his hard work and efforts since his appointment as Chief.  
FILE NO. CC-16 AND CC-34

10. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider (1) the Planning Commission's recommendation to approve the request of David C. Sproul to prezone the parcels at 5909 and 6161 East State Route 12 (APN's 049-040-07 and 049-130-22) M-1, Light Industrial and (2) to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

Hearing Opened To The Public

1. Dave Sproul, P.O. Box 832, Lodi (support); and
2. Frank Alegre, 2000 Edgewood Drive, Lodi (support).

Public Portion Of Hearing Closed

ACTION:

The City Council, on motion of Council Member Snider, Mann second, unanimously introduced Ordinance No. 1583 rezoning the parcels at 5909 and 6161 East State Route 12 (APN's 049-040-07 and 049-130-22) M-1, Light Industrial.

Further, the City Council, on motion of Council Member Snider, Mann second, unanimously certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

FILE NO. CC-53(a) AND CC-149

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider Curb Ramp Replacement Accessibility Project.

Hearing Opened To The Public

1. Tom Favero, 220849 North Devries Road, spoke in favor of the ramps near DeGroot Hall and of the criteria used to determine the list;

2. Corey Wright, 555 Augusta, Woodbridge, with the Vienna Convalescent Hospital, spoke on behalf of 388 residents living at different facilities in town and expressed feelings that the Fairmont/Sylvia project should be higher on the priority list;
3. Kenneth Schwarz, 3605 Schooner Drive, Stockton, spoke on behalf of his daughter who is wheelchair bound. Mr. Schwarz is in favor of the ramps near DeGroot Hall; and
4. William Pena, 565 East Harney Lane, Lodi, also spoke in favor of the ramps near DeGroot Hall.

Public Portion Of Hearing Closed

ACTION:

The City Council, on motion of Council Member Mann, Sieglock second, unanimously approved the priority list for the installation of handicap accessible curb ramps in the public right-of-way and authorized the preparation of plans, specifications, and bidding using Block Grant funds with the go-ahead to staff to include on the list any calls/complaints received during the preparation of the plans and specifications.

FILE NO. CC-45(e), CC-55 AND CC-118

11. RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 9:20 p.m.

12. PUBLIC HEARINGS CONTINUED

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider transportation permit fees in conformance with California Vehicle Code (CVC), Section 35795 (b).

Hearing Opened To The Public

1. Frank Alegre, 2000 Edgewood Drive, Lodi (opposed to high fee and recommended a lower fee of \$15 for a one-time permit and \$20 for an annual permit).

Public Portion Of Hearing Closed

ACTION:

The City Council, on motion of Council Member Davenport, Sieglock second, adopted Resolution No. 93-97 adopting fee schedule for transportation permits in conformance with Lodi Municipal Vehicle Code Section 10.52.040 and California Vehicle Code Section 35795(b) of \$15 for a one-time permit and \$20 for an annual permit. Further, staff will research the actual City costs of preparing the permits and report back to City Council. This action was taken by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock and Snider  
Noes: Council Members - Pennino (Mayor)  
Absent: Council Members - None

FILE NO. CC-6, CC-50(a) AND CC-56

13. COMMUNICATIONS (CITY CLERK)

- a) The City Council, on motion of Council Member Snider, Sieglock second, directed the City Clerk to post for the following vacancies on the Gang Alternative Project:

GANG ALTERNATIVE PROJECT

Jose Trevino  
Perfecto Munoz

Further, Mayor Pennino asked Council Member Sieglock, representative on the Gang Alternative Project, if he would discuss with the Committee at its next meeting the possibility of combining it with either the East Side Improvement Committee or the Greater Lodi Youth Commission.

FILE NO. CC-2(q)

14. REGULAR CALENDAR

- a) The City Council, on motion of Mayor Pennino, Davenport second, unanimously tabled the matter regarding Adult Sports Fees and Charges Schedule until the next City Council meeting. Further, the existing fees for the fall baseball schedule are to be used. Once the fees are approved, they will be in effect beginning next season (presumably the basketball season).

Speaking on the matter were the following:

1. Terry Wisdom, 19690 Highway 99 (opposed);
2. Bob Johnson, Chairperson, Parks and Recreation Commission; and
3. Steve Stevenson, 445 Almond Drive, Lodi (opposed).

FILE NO. CC-40, CC-56 AND CC-300

- b) The City Council, on motion of Council Member Snider, Mann second, unanimously adopted Resolution No. 93-98 approving the use fees for Zupo Field for non-athletic events or uses.  
FILE NO. CC-27(c), CC-56 AND CC-300

- c) Following discussion regarding the Mills Avenue Street Lights, the City Council determined it would take no action regarding the matter.

Speaking on the subject were the following:

1. Joe and Barbara Fiori, 531 South Mills Avenue, Lodi; and

FILE NO. CC-6 AND CC-10(a)



15. ORDINANCES

- a) None.

16. MEETING TO CONTINUE FOLLOWING 11:00 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council needs a two-thirds vote to continue with the meeting following the 11:00 p.m. hour. The City Council, on motion of Council Member Davenport, Sieglock second, determined that it would continue with the remainder of the meeting by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock and Pennino (Mayor)  
Noes: Council Members - Snider  
Absent: Council Members - None

17. ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Mann second, adopted Resolution No. 93-94 initiating the annexation/reorganization proceedings for the Richards Ranch Addition located on the west side of South Cherokee Lane and the east side of South Stockton Street northerly of Harney Lane by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino (Mayor)  
Noes: Council Members - Davenport  
Absent: Council Members - None

Further, on motion of Council Member Sieglock, Pennino second, the City Council closed debate on the matter by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino (Mayor)  
Noes: Council Members - Davenport  
Absent: Council Members - None

FILE NO. CC-8(a) AND CC-300

- b) The City Council, on motion of Mayor Pennino, Mann second, unanimously adopted Resolution No. 93-95 awarding the contract for Church Street Improvements, Kettleman Lane to Vine Street to Robert Burns Construction in the amount of \$204,620.55.

FILE NO. CC-12(a) AND CC-300

- c) The City Council, on motion of Council Member Davenport, Sieglock second, unanimously accepted the improvements under the "Poplar Street Wastewater Pipe Improvement, Cherokee Lane to Central Avenue" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.

FILE NO. CC-90

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Continued August 4, 1993

- d) The City Council, on motion of Council Member Mann, Davenport second, determined it would not participate in the San Joaquin County Contracts for the purchase of office supplies and computer paper and directed staff to draw up specifications on the matter.  
FILE NO. CC-12.1(c) AND CC-90
- e) The City Council, on motion of Council Member Snider, Davenport second, unanimously adopted Resolution No. 93-96 authorizing the adjustment of the salary of Confidential employees effective the pay period following July 1, 1993 and July 1, 1994.  
FILE NO. CC-34 AND CC-300

18. CLOSED SESSION

The City Council adjourned to a Closed Session to discuss the following matter:

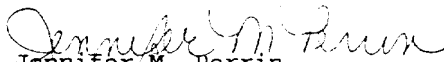
- a) Labor Relations

The City Council meeting reconvened at approximately 12:15 a.m.  
FILE NO. CC-200(a)

19. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 12:15 a.m.

ATTEST:

  
Jennifer M. Perrin  
City Clerk